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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,477	06/02/2005	Masamoto Tanabiki	P27693	4986
52123 7590 12/04/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER ABYANEH, ALI S				
ART UNIT		PAPER NUMBER		
2437				
NOTIFICATION DATE		DELIVERY MODE		
12/04/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

# Office Action Summary

**Application No.**

10/530,477

**Applicant(s)**

TANABIKI ET AL.

**Examiner**

ALI S. ABYANEH

**Art Unit**

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)  
Paper No(s)/Mail Date 09-02-2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-7 are presented for examination.
2. Examiner withdraws the objection to the claim 4 due to the correction by the applicant.
3. Claims 1, 3, 4, 6 and 7 are amended.

**Response to Arguments**

4. Applicant's amendments/arguments filed on 10-10-2008 have been fully considered but are moot in view of the new ground(s) of rejection.

**Information Disclosure Statement PTO-1449**

5. The Information Disclosure Statement submitted by applicant on 09-02-2008 has been considered. Please see attached PTO-1449.

**Claim objection**

6. Claim 1 is objected to because of the following informalities:  
Claim is objected to for including word "authenticated" in line 7. Examiner assumes the word authenticated was intended.

**Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas (US Patent No. 5,537,635) in view of Hirota (EP 1050887A1).

#### **Regarding claim 1**

Douglas teaches an information storage apparatus to which devices write and from which devices read, the information storage apparatus comprising: an area control section that controls addresses of said partitioned areas in the memory area; an area update condition control section that controls update conditions when updating the number or sizes of said partitioned areas (column 6, lines 10-26); an area update decision section that decides whether a partition request requesting updating of the number or sizes of said partitioned areas satisfies said update conditions or not; and an area update section that updates, when said partition request satisfies said update conditions, the number or sizes of said partitioned areas in said memory area according to said partition request (column 7, line 21 to column 8, line 17).

Douglas does not explicitly teach an IC section that, using a key held inside, encrypts and writes data in a memory area, and decodes and reads the encrypted data in said memory area, said memory area including a plurality of partitioned areas, wherein each of said partitioned areas is one of a non-authenticated area accessible without any authentication, an authenticated area

accessible only to authenticated devices, and a secure area accessible only to said IC section; and a control section that controls reading from and writing to said partitioned areas in said memory area. However, in an analogous art, Hirota teaches an IC section that, using a key held inside, encrypts and writes data in a memory area, and decodes and reads the encrypted data in said memory area (paragraph [0010]), said memory area including a plurality of partitioned areas, wherein each of said partitioned areas is one of a non-authenticated area accessible without any authentication, an authenticated area accessible only to authenticated devices, and a secure area accessible only to said IC section; and a control section that controls reading from and writing to said partitioned areas in said memory area (paragraph [0008] and fig.5 and associated text).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Douglas to include an IC section that, using a key held inside, encrypts and writes data in a memory area, and decodes and reads the encrypted data in said memory area (paragraph [0010]), said memory area including a plurality of partitioned areas, wherein each of said partitioned areas is one of a non-authenticated area accessible without any authentication, an authenticated area accessible only to authenticated devices, and a secure area accessible only to said IC section; and a control section that controls reading from and writing to said partitioned areas in said memory area. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to

provide a semiconductor memory that can be used as a storage medium for storing copyright protected digital content and storing general-purpose computer data (not an object of copyright protection) (paragraph [0007]).

### **Regarding claim 2**

Douglas furthermore teaches wherein procedure conditions related to an updating procedure and entity conditions related to update contents are specified as said update conditions (column 3, line 65-column 4, line 4).

### **Regarding claim 3**

Hirota furthermore teaches wherein procedure conditions that specify necessity of authentication in association with a timing of updating said partitioned areas, and entity conditions that specify conditions including the number of times said memory area can be partitioned, and a maximum size per partitioned area are specified as said update conditions (paragraph [0022]-[0023]).

### **Regarding claim 4 and 5**

Douglas furthermore teaches, wherein said area update section repartitions an unused area where no actual data in said memory area is recorded according to said partition request; and a receipt creation section that

creates a receipt indicating that said partitioned area has been updated successfully (column 8, lines 34-45).

#### **Regarding claim 6 and 7**

Douglas furthermore teaches, wherein said receipt further indicates the size of said updated partitioned area and a difference in size of said partitioned area before and after updating; and an output section that outputs information on updating of partitioned areas in said memory area carried out by said area update section; and a reception section that receives user confirmation registration in response to said information, wherein the update of said partitioned areas becomes effective when the confirmation registration is accepted (column 8, lines 18-45).

#### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abyaneh whose telephone number is (571) 272-7961. The examiner can normally be reached on Monday-Friday from (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone numbers for the organization where this application or proceeding is assigned as (571) 273-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/A. S. A./

Examiner, Art Unit 2437

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437